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Ex-F.B.I. Agent Is Sentenced To Life Terms for Espionage

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LOS ANGELES, July 14 — Declaring that espionage must not be taken lightly, a Federal judge today sentenced Richard W. Miller, the first F.B.I. agent ever charged with the crime, to two concurrent life sentences for spying for the Soviet Union.

The judge, David Z. Kenyon, also sentenced the 49-year-old former agent of the Federal Bureau of Investigation to an additional 50 years to run concurrently with his life terms.

Judge Kenyon prefaced his sentencing by saying he hoped to foster "a recognition on the part of all citizens of the United States" of the seriousness of the crime in view of "more and more betrayals of trust" that are occurring.

Appeal Is Planned

"A person who deliberately, for their own personal gain, betrays their country should not walk the streets a free man," said Judge Kenyon, who called the former agent "a tormented man."

The judge's sentence granted in full the request of the Government and rejected pleas for leniency by the defense lawyers, who said they would appeal the conviction.

Mr. Miller addressed the courtroom in a rambling speech on the difficulties of dispensing justice before he settled into a chair and heard his sentence pronounced.

"There are many who seek to administer criminal justice but few are able," Mr. Miller said, "because their hearts are set so much upon the things of this world."

He said that if "ambitious" men "exercise their pride upon the souls of men unjustly, then justice is not served."

Denial of Guilt

"I know why I have been convicted of these crimes," Mr. Miller said. "I did not commit them."

Mr. Miller's lawyers, Joel Levine and Stanley Greenberg, have said they will seek to have the conviction overturned on the basis of rulings in favor of the prosecution made by Judge Kenyon in the trial.

Judge Kenyon, in comments from the bench, defended his handling of the case as evenhanded, and added that he had gone out of his way to assure that the defense lawyers, who were chosen by Mr. Miller but were compensated by the court, were paid enough to insure their participation in both of Mr. Miller's trials.

The judge also noted that he has scheduled Mr. Miller's accused co-conspirators, Svetlana and Nikolay Ogorodnikov, to be tried first. He called that ruling "a great advantage" to the defense because it gave them a chance to try out Mr. Miller's effectiveness on the witness stand and to do so under immunity. The defense lawyers subsequently did not call Mr. Miller to testify at his own trials.

Judge Kenyon said he was drawing upon a lesson he had learned at his mother's knee to brand Mr. Miller "a man who lacks gratitude."

"A man who lacks gratitude is bound to be a tormented man," the judge said, referring to Mr. Miller's eight children, his wife, his "opportunity to serve his country" in the F.B.I., and his "humane" superiors in the bureau.

Judge Kenyon praised the Federal

Bureau of Investigation for "the integrity" with which it handled the Miller case and said that, if anything, the bureau's officials and agents could be criticized for having been "as humane as they were toward him."

In a sentencing memorandum last week, United States Attorney Robert C. Bonner and an assistant, Russell Hayman, who prosecuted the case, told the judge that Mr. Miller deserved a life sentence because of his position of trust as an agent of the Federal Bureau of Investigation.

"Despite the trust placed in him by the American people and by the F.B.I., Miller sold out his country," the prosecutors wrote, adding, "It is difficult to conceive of a more wholesale betrayal of one's country."

Mr. Miller was convicted by a jury June 19 of six counts of espionage for the Soviet Union and of bribery. The jurors were deadlocked on a seventh charge, that he had accepted a trenchcoat worth nearly \$700 as a bribe for his help from Mrs. Ogorodnikov, a Soviet émigré who became his lover. Mrs. Ogorodnikov and her husband, Nikolay, pleaded guilty to espionage charges a year ago and are serving prison sentences of 18 years and 8 years, respectively.

A single count of espionage is punishable by life in prison.

Motives for Spying

Mr. Miller, who was arrested in October 1984, was portrayed by the Government as a turncoat F.B.I. agent who, disillusioned by a lackluster career at the agency and pressed by personal bills, linked forces with Mrs. Ogorodnikov, a Soviet agent, to pass classified documents to the Russians. Prosecutors identified a specific F.B.I. document they said Mr. Miller had successfully passed to the woman, a 24-page report that F.B.I. officials said spelled out counterespionage requirements,

and methods of the bureau. Mr. Miller was convicted of passing a classified document as well as the more common charge of conspiracy to commit espionage.

The prosecutors asked Judge Kenyon to impose two concurrent life sentences on Mr. Miller, one for conspiracy and one for passing a secret document. The Government also asked the judge to sentence Mr. Miller to 50 years on four other espionage-related charges.

Mr. Miller's lawyers called a life sentence "totally unjustified." Under the life terms, Mr. Miller will be eligible for parole consideration after 10 years.

Mr. Miller was tried twice on the charges. His first trial ended in a hung jury last November, with jurors heavily deadlocked for conviction. The second trial ended with a successful conviction last month after only 21 hours of deliberation by the jury, which rejected Mr. Miller's defense that he had been secretly trying to infiltrate the K.G.B., the Soviet intelligence agency, in an attempt to become an F.B.I. hero with the help of the Mrs. Ogorodnikov.